

In re:

Case No. 22-50035-JPS

TERI GALARDI,

Chapter 11

Debtor,

THOMAS T. MCLENDON,
as Liquidating Trustee of the
Galardi Creditors Trust

Contested Matter

Movant,

v.

JAMMIE PARKER,

Respondent.

**APPELLANT'S DESIGNATION OF RECORD ON APPEAL
AND STATEMENT OF ISSUES TO BE PRESENTED**

Comes now. JAMMIE PARKER, Appellant, and Respondent in the above contested matter, and pursuant to FRBP 8009, hereby files this Designation of Record on Appeal and Statement of Issues to be Presented.

I. Designation of the Record

DATE	DOC.	TITLE
05/02/2023	418	Objection to Claim 95
06/05/2023	445	Response to Objection to Claim 95
07/11/2023	493	Brief in Opposition to Objection
07/18/2023	499	Reply Brief in Support of Objection
07/26/2023	506	Order Disallowing Claim 95
08/09/2023	515	Notice of Appeal
08/10/2023	517	Transmittal of Notice of Appeal
08/18/2023	525	Transcript of Hearing held 6/21/23

II. Procedural Background

1. Appellant was one of nine plaintiffs in the case of *Milner v. Galardi*, Case No. 20-cv-20230-AMC brought in the United States District Court for the Southern District of Florida alleging violations of the Florida Minimum Wage Act. Prior to the filing of debtor's Chapter 11 petition, Appellant was dismissed as a Plaintiff. Appellant appealed the dismissal to the Court of

filed a timely Proof of Claim.

2. The confirmed Chapter 11 plan created a Liquidating Trust funded by the debtor to pay approximately 40% pro rata to general unsecured creditors. Appellant held a general unsecured claim.

3. The Liquidating Trustee objected to Appellant's claim contending that it was res judicata and should be disallowed even though Appellant's dismissal from the District Court action had been appealed.

III. Issues to be Presented on Appeal

Whether the Bankruptcy Court should disallow a creditor's contingent claim in its entirety while an appeal is pending on the basis that the claim is res judicata.

This 23rd day of August, 2023

/s/ Jason M. Orenstein
JASON M. ORENSTEIN
State Bar # 554302
Attorney for Respondent

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CERTIFICATE OF SERVICE

This is to certify that I have on this day electronically filed the foregoing *Designation of Record on Appeal and Statement of Issues to be Presented* using the Bankruptcy Court's Electronic Case Filing Program, which serves the same upon all participants, therein who has appeared in the case. In addition, the counsel for Respondent has mailed to a copy of the foregoing *Notice of Appeal* to Red Shield Funding at 1616 S. Ocean Drive #101, Vero Beach, FL 32963; Joseph Guernsey at 4681 Carvel Court, Myrtle Beach, SC 29588; Alexis King at 1361 Arlene Valley Lane, Lawrenceville, GA 30043.

This 23rd day of August, 2023.

/s/ Jason M. Orenstein
JASON M. ORENSTEIN
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Attorney for Respondent

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